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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 GENE ANTHONY HARRY ALLEN,

Case No. 3:21-cv-00089-MMD-WGC

7 Plaintiff,

ORDER

8 v.

9 THE STATE OF NEVADA, *et al.*,

10 Defendants.

11 Plaintiff Gene Allen initiated this action with a civil rights complaint under 42 U.S.C.  
12 § 1983. (ECF No. 1.) Allen has now filed a motion requesting that the Court dismiss this  
13 case without prejudice. (ECF No. 24.) The Court construes Allen's motion as a motion for  
14 voluntary dismissal.

15 Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action  
16 without a court order by filing "a notice of dismissal before the opposing party serves  
17 either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The  
18 complaint has not been served on Defendants, and thus Defendants have not filed an  
19 answer or a motion for summary judgment. Accordingly, the Court grants Allen's motion  
20 to voluntarily dismiss this action without prejudice.

21 It is therefore ordered that Plaintiff Gene Allen's motion for voluntary dismissal  
22 (ECF No. 24) is granted.

23 It is further ordered that this action is dismissed in its entirety without prejudice.

24 It is further ordered that Allen's application to proceed *in forma pauperis* (ECF No.  
25 13) is denied as moot.

26 It is further ordered that Allen's outstanding motions (ECF Nos. 4, 11, 17, 19, 20,  
27 23) are denied as moot.

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1 The Clerk of Court is directed to enter judgment accordingly and to close this case.  
2 DATED THIS 2<sup>nd</sup> Day of June 2021.

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6 MIRANDA M. DU  
7 CHIEF UNITED STATES DISTRICT JUDGE  
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